

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CRIMINAL DOCKET FOR CASE #: 2:24-mj-05070-DMF All Defendants**

Case title: USA v. Rozak

Date Filed: 03/05/2024

Other court case number: 97-CR-180, 98-CR-022,
98-CR-023 Northern District of
Oklahoma, Tulsa

Date Terminated: 04/08/2024

Assigned to: Magistrate Judge
Deborah M Fine

97-CR-180-seh
98-CR-022-seh
98-CR-023-seh

Defendant (1)

Carole Anne Rozak
08142-062
TERMINATED: 04/08/2024

represented by **Ana Laura Botello**
Federal Public Defenders Office – Phoenix
850 W Adams St., Ste. 201
Phoenix, AZ 85007
602-382-2700
Fax: 602-382-2800
Email: ana_botello@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Rule 5 – Supervised Release
Violation Petition re: Docket Nos.
97-CR-180-001-H,
98-CR-022-001-H, and
98-CR-023-001-H

Disposition

Plaintiff

USA

represented by **Kevin M Rapp**
US Attorneys Office – Phoenix, AZ
2 Renaissance Square
40 N Central Ave., Ste. 1800
Phoenix, AZ 85004-4408
602-514-7500
Fax: 602-514-7537

Email: Kevin.Rapp@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Docket Text
03/05/2024	<u>1</u>	Arrest of Carole Anne Rozak on 3/5/2024 (Rule 5 – Supervised Release Violation Petition from the Northern District of Oklahoma re: Docket Nos. 97–CR–180–001–H, 98–CR–022–001–H, and 98–CR–023–001–H). (MRH) (Entered: 03/05/2024)
03/06/2024	<u>2</u>	MINUTE ENTRY for proceedings held before Magistrate Judge Deborah M Fine: Initial Appearance in Rule 5 Proceedings as to Carole Anne Rozak held on 3/6/2024. FINANCIAL AFFIDAVIT TAKEN. IT IS ORDERED appointing AFD Ana Botello as counsel of record for proceedings held in the District of Arizona only. The Government is not seeking detention. The Defendant avows that her true name is "Penny Lynn McCarthy" and that she is not the person listed in the arrest warrant. At the parties request, the Court sets an Identity Hearing as set forth below. Defendant is ordered released with the following conditions: 1. Appear at all court proceedings as required, ordered to personally appear for the 4/9/2024 Identity Hearing before Magistrate Judge Deborah M Fine in courtroom 303. 2. Maintain weekly contact with Ms. Botello, by Friday, noon of each week. 3. Not commit any federal, state or local crime. Conditions reviewed with the Defendant on the record. Appearances: AUSA Kevin Rapp for the Government, AFD Ana Botello for Defendant. Defendant is present and in custody. Identity Hearing set for 4/9/2024 at 10:00 AM in Courtroom 303, 401 West Washington Street, Phoenix, AZ 85003 before Magistrate Judge Deborah M Fine. (Recorded by COURTSMART.) Hearing held 3:45 PM to 4:00 PM. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SST) (Entered: 03/08/2024)
03/06/2024	<u>3</u>	SEALED CJA 23 Financial Affidavit by Carole Anne Rozak. (SST) (Entered: 03/08/2024)
03/06/2024	<u>4</u>	RELEASE ORDER as to Carole Anne Rozak. Signed by Magistrate Courtroom Clerk S. Strong on 3/6/2024.(SST) (Entered: 03/08/2024)
04/05/2024	<u>5</u>	MOTION to Dismiss Rule 5 Proceedings and Vacate Identity Hearing by USA as to Carole Anne Rozak. (Attachments: # <u>1</u> Proposed Order)(Rapp, Kevin) (Entered: 04/05/2024)
04/08/2024	<u>6</u>	ORDER as to Carole Anne Rozak: The Court, having reviewed the United States' Unopposed Motion to Dismiss Rule 5 Proceedings and Vacate Identity Hearing (Doc. <u>5</u>), and good cause appearing, IT IS HEREBY ORDERED that the Rule 5 proceedings in this case are dismissed, and the identity hearing currently scheduled for April 9, 2024, is vacated. Signed by Magistrate Judge Alison S Bachus on 4/8/2024.(KGM) (Entered: 04/08/2024)
04/08/2024	<u>7</u>	Notice to Northern District of Oklahoma of Dismissal of Rule 5 case as to Carole Anne Rozak. Your case numbers are: 97–CR–180, 98–CR–022, and 98–CR–023. Pursuant to unopposed motion by the defense, the Court ordered this matter dismissed and Defendant released as Defendant was not the individual named in the arrest warrant. Please use PACER Court Links to access the public docket and documents. <i>(If you wish to designate a different email address for future transfers, please send your request to the national list host at InterdistrictTransfer_TXND@txnd.uscourts.gov.)</i> (KGM) (Entered: 04/08/2024)

UNITED STATES DISTRICT COURT OF ARIZONA – PHOENIX

United States Magistrate Judge: Deborah M. Fine

Date: 3/6/2024

USA v. Carole Anne Rozak

Case Number: 24-MJ-05070-PHX-DMF

To: United States Marshal Service:

Re: 24-MJ-05070-PHX-DMF

Presiding Judge: Deborah M. Fine, United States Magistrate Judge

The United States Marshal is authorized to release:

Defendant: Carole Anne Rozak, USMS # 08142-062

From custody pursuant to the court hearing held this date:

Bureau of Prisons Plus Credit for Time Served

Bond

Time Served

Probation or Supervised Release

Dismissal

X Other: Identity is disputed. Defendant avows true name is “Penny Lynn McCarthy.” Identity Hearing set for 4/9/2024 at 10:00 AM before Judge Fine. Defendant ordered released this date with the following conditions:

1. Appear at all court proceedings – as required, ordered to personally appear for the 4/9/24 hearing before Judge Fine in courtroom 303.
2. Maintain weekly contact with Ms. Botello, by Friday, noon of each week.
3. Not commit any federal, state or local crime.

Debra D. Lucas, DCE/Clerk of Court

S. Strong
BY: s/S. Strong, Magistrate Judge Courtroom Clerk

3/6/2024

Date

Copy provided to USMS by email on 3/6/2024.



GARY M. RESTAINO
United States Attorney
District of Arizona

KEVIN M. RAPP
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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,
Plaintiff,

v.

Carole Anne Rozak,
Defendant.

No. **24-5070MJ (DMF)**

**UNOPPOSED MOTION TO DISMISS
RULE 5 PROCEEDINGS AND
VACATE IDENTITY HEARING**

Comes now the United States, by and through counsel undersigned, and hereby moves to dismiss the instant Rule 5 proceedings (Case No. 2:24mj5070) and vacate the identity hearing currently scheduled for April 9, 2024. At the initial appearance in this matter on March 6, 2024, when the arrestee asserted that she was not the person named in the arrest warrant, the United States did not seek her detention but instead agreed to her immediate release from custody. A Release Order was entered that same date, and she was released from custody. The parties requested an identity hearing be set on April 9, 2024. The United States does not intend to proceed forward at that hearing, and therefore dismissal of this matter and vacatur of the hearing is in the interest of justice.

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1 Undersigned counsel has conferred with opposing counsel, who does not oppose
2 this motion.

3 RESPECTFULLY SUBMITTED this 5th day of April, 2024.

4
5 GARY M. RESTAINO
6 United States Attorney
7 District of Arizona

8 *s/ Kevin M. Rapp*
9 _____
10 KEVIN M. RAPP
11 Assistant U.S. Attorney

12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on the 5th day of April, 2024, I electronically transmitted the
14 attached document to the Clerk's Office using the CM/ECF System for filing and emailed
15 a copy to the following CM/ECF registrant:

16 Ana Botello, Assistant Federal Public Defender

17 *s/ Daniel Parke*
18 _____
19 U.S. Attorney's Office
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

v.

Carol Anne Rozak,

Defendant.

No. **24-5070MJ (DMF)**

ORDER

The Court, having reviewed the United States' Unopposed Motion to Dismiss Rule 5 Proceedings and Vacate Identity Hearing, and good cause appearing,

IT IS HEREBY ORDERED that the instant Rule 5 proceedings (Case No. 2:24mj5070) are dismissed and the identity hearing currently scheduled for April 9, 2024, is vacated.

Dated this _____ day of _____, 2024.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v.

Carole Anne Rozak,

Defendant.

No. 24-05070MJ-001-PHX-DMF

ORDER

The Court, having reviewed the United States' Unopposed Motion to Dismiss Rule 5 Proceedings and Vacate Identity Hearing, and good cause appearing,

IT IS HEREBY ORDERED that the Rule 5 proceedings in this case are dismissed, and the identity hearing currently scheduled for April 9, 2024, is vacated.

Dated this 8th day of April, 2024.



Honorable Alison S. Bachus
United States Magistrate Judge

Aimee Nance

From: azddb_responses@azd.uscourts.gov
Sent: Monday, April 8, 2024 12:47 PM
To: azddb_nefs@azd.uscourts.gov
Subject: Activity in Case 2:24-mj-05070-DMF USA v. Rozak Notice to Receiving District of Criminal Case Transfer

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered on 4/8/2024 at 10:46 AM MST and filed on 4/8/2024

Case Name: USA v. Rozak

Case Number: [2:24-mj-05070-DMF](#)

Filer:

Document Number: 7(No document attached)

Docket Text:

Notice to Northern District of Oklahoma of Dismissal of Rule 5 case as to Carole Anne Rozak. Your case numbers are: 97-CR-180, 98-CR-022, and 98-CR-023. Pursuant to unopposed motion by the defense, the Court ordered this matter dismissed and Defendant released as Defendant was not the individual named in the arrest warrant. Please use PACER Court Links to access the public docket and documents.

(If you wish to designate a different email address for future transfers, please send your request to the national list host at InterdistrictTransfer_TXND@txnd.uscourts.gov.) (KGM)

2:24-mj-05070-DMF-1 Notice has been electronically mailed to:

Kevin M Rapp Kevin.Rapp@usdoj.gov, CaseView.ECF@usdoj.gov, daniel.parke@usdoj.gov

Ana Laura Botello ana_botello@fd.org, azxph_ecf@fd.org, miriam_magana@fd.org

2:24-mj-05070-DMF-1 Notice will be sent by other means to those listed below if they are affected by this filing: